



Homeland
Security

Privacy Office, Mail Stop 0655

March 19, 2012

SENT VIA EMAIL TO: 1207-21553603@REQUESTS.MUCKROCK.COM

Rich Jones
MuckRock News
DEPT MR 1207
PO Box 55819
Boston, MA 55819
Email: 1207-21553603@requests.muckrock.com

Re: **DHS/OS/PRIV 12-0326**

Dear Mr. Jones:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated and received in the DHS Privacy Office on March 14, 2012, and seeking all responsive documents, memos and purchase orders mentioning aerostats, particularly aerostats used for surveillance purposes.

After careful review of your FOIA request, we determined that your request is too broad in scope or did not specifically identify the records which you are seeking. Records must be described in reasonably sufficient detail to enable government employees who are familiar with the subject area to locate records without placing an unreasonable burden upon the agency. For this reason, §5.3(b) of the DHS regulations, 6 C.F.R. Part 5, require that you describe the records you are seeking with as much information as possible to ensure that our search can locate them with a reasonable amount of effort. Whenever possible, a request should include specific information about each record sought, such as the date, title or name, author, recipients, and subject matter of the records, if known, or the DHS component or office you believe created and/or controls the record. The FOIA does not require an agency to create new records, answer questions posed by requesters, or attempt to interpret a request that does not identify specific records.

A list of DHS components and offices may be found at:
<http://www.dhs.gov/xabout/structure/index.shtm>

In addition, it is possible that the information you are seeking may be under the purview of the DHS, Office of the Secretary and/or the DHS, United States Customs and Border Protection (CBP). Please let me know if you would like for the DHS Privacy Office to search for records within the Office of the Secretary and/or CBP, in addition to any other DHS components or offices you believe created and/or controls the records.

Please resubmit your request containing the DHS component or office you believe created and/or controls the record. Upon receipt of a perfected request, you will be advised as to the status of your request.

As it relates to your fee waiver request, your request will be held in abeyance pending the quantification of responsive records. The DHS FOIA Regulations, 6 CFR § 5.11(k)(2), set forth six factors to examine in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns “the operations or activities of the government;” (2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be “significant;” (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor. If any responsive records are located, we will consider these factors in our evaluation of your request for a fee waiver.

In the event that your fee waiver is denied, we shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to media requestors. As a media requestor you will be charged 10-cents a page for duplication, although the first 100 pages are free. You will be promptly notified once a determination is made regarding your fee waiver request.

If we do not hear from you within 30 days from the date of this letter, we will assume you are no longer interested in this FOIA request, and the case will be administratively closed. Please be advised that this action is not a denial of your request and will not preclude you from filing other requests in the future.

Your request has been assigned reference number **DHS/OS/PRIV 12-0326**. Please refer to this identifier in any future correspondence. You may contact this office at 866-431-0486 or at 703-235-0790.

Sincerely,

A handwritten signature in black ink that reads "Mia Day". The signature is written in a cursive, flowing style.

Mia Day
FOIA Program Specialist